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VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON, VA 22201-2909

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| EXAMINER |
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CHEUNG, MARY DA ZHI WANG

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| ART UNIT | PAPER NUMBER |
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3694

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08/19/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

| | | | |
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| Office Action Summary | Application No. 09/950,025 | Applicant(s) WIEDERIN, SHAWN | |
| | Examiner MARY CHEUNG | Art Unit 3694 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6,8,9,12-16,18,19,22-26,28,29,32-36,38,39 and 41-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6,8,9,12-16,18,19,22-26,28,29,32-36,38,39 and 41-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on May 15, 2008. Claims 2-6, 8-9, 12-16, 18-19, 22-26, 28-29, 32-36, 38-39 and 41-45 are pending. Claims 41-42 and 45 are currently amended. All the pending claims are examined.

Response to Arguments

2. Applicant's arguments with respect to claims 12-16, 18-19, 22-26, 28-29 and 43-44 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Sacks fails to teach receiving payee identification information and amount information from a wireless device associated with a user as claimed in claim 43, the examiner respectfully disagrees. Sacks teaches a user using wireless device such as handheld device, smart phone, etc. conducting purchase and payment transactions (see ¶ 19-20), and the transaction information comprising payee identification information (see Sacks page 5 claim 8) and amount information (see ¶ 44).

3. Applicant's arguments with respect to claims 2-6, 8-9, 32-36, 38-39, 41-42 and 45 have been considered but are moot in view of the new ground(s) of rejection.

4. Since Applicant(s) did not seasonably traverse the Official Notice statement(s) as stated in the previous Office Action mailed on February 15, 2008, the Official Notice statement(s) are taken to be admitted prior art. See MPEP §2144.03.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 12-16, 18-19, 22-26, 28-29 and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Sacks, US 2002/0016765 A1.

As to claims 43-44, Sacks a method of performing monetary transaction, and a computer-readable medium containing instructions for controlling at least one processor to perform a method for conducting a monetary transaction, comprising (abstract):

- a) receiving payee identification information, user information, and amount information from a wireless device associated with a user (§§ 19, 38-44, and claim 1 in page 4, and claims 5 and 8 in page 5);
- b) identifying a first account associated with the user based on the user information (§§ 40-44);
- c) prompting a payee device associated with the payee, for information relating to a second account associated with the payee based on the payee identification information (§§ 44-45, and claim 1 in page 4, and claims 5 and 8 in page 5);
- d) transferring funds based on the amount information between the first and the second account (§§ 45).

As to claims 12 and 22, Sacks teaches determining a user profile and a payee profile (§§ 32-34 and Fig. 2).

As to claims 13 and 23, Sacks teaches the user profile comprises at least one of financial information, device information, security information, historical information, transaction information or authorized recipient information (§§ 32-34).

As to claims 14 and 24, Sacks teaches the payee profile is based on information relating to a second account associated with the payee (§§ 32-34, 41-45).

As to claims 15 and 25, Sacks teaches recording information about the transfer of the funds (§§ 16).

As to claims 16 and 26, Sacks teaches wherein the wireless device includes a cellular telephone, or a personal computer (§§ 19).

As to claims 18 and 28, Sacks teaches the user information comprises at least one of personal information about the user, a name, an address, a phone, or an e-mail address (§§ 41-43).

As to claims 19 and 29, Sacks teaches at least one of monitoring passwords, encrypting information, and monitoring user information (§§ 16, 21, 23, 41-42).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-6, 8-9, 32-36, 38-39, 41-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks, US 2002/0016765 A1 in view of Official Notice, in further view Kim, et al., US 2005/0086164 A1.

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As to claims 42 and 45, Sacks teaches a monetary transaction system and a network device, comprising (abstract):

- a) receiving payee identification information, user information, and amount information from a wireless device associated with a user ((¶ 19, 38-44, and claim 1 in page 4, and claims 5 and 8 in page 5);
- b) identifying a first account associated with the user based on the user information (¶ 40-44);
- c) identifying a second account associated with the payee based on the payee identification information (¶ 44-45, and claim 1 in page 4, and claims 5 and 8 in page 5);
- d) transfer funds based on the amount information between the first and the second account (¶ 45);
- e) sending a notification of the transfer of the funds to the wireless device (¶ 19, 46).

Sacks does not specifically teach the notification including an itemization of goods or services associated with the transfer. The examiner takes Official Notice that it is well known in the art to send a notification including an itemized goods or services that are purchased (or associated with the transfer). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the notification in Sack's teaching to include an itemization of goods and services associated with the transfer for allowing the payee or the user to better acknowledge the items that will be delivered.

Sacks modified by Official Notice does not specifically teach the user information further includes information identifying the wireless device, and identifying the first account associated with the user include the received wireless device identifying information. However, Kim teaches a user using a wireless device conducting payment including receiving information for identifying the wireless device, and using the wireless device identifying information to identify the user account (§§ 25-28 and Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user information in the teaching of Sacks modified by Official Notice to include the information for identifying the wireless device and using the wireless device identifying information to identify the user account as taught by Kim for ensuring validity of the user and his/her payment.

As to claims 2 and 32, Sacks teaches wherein the payment processing system includes a profile determination device that determines at least one of a user profile and a payee profile (§§ 32-34 and Fig. 2).

As to claims 3 and 33, Sacks teaches the user profile comprises at least one of financial information, device information, security information, historical information, transaction information or authorized recipient information (§§ 32-34).

As to claims 4 and 34, Sacks teaches the profile determination device determines a payee profile based on identification information (§§ 32-34, 41-45).

As to claims 5 and 35, Sacks teaches a transaction database that records information about the transfer of the funds (§§ 16).

As to claims 6 and 36, Sacks teaches wherein the wireless device includes a cellular telephone, or a personal computer (§§ 19).

As to claims 8 and 38, Sacks teaches the user information comprises at least one of personal information about the user, a name, an address a phone, or an e-mail address (¶¶ 41-43).

As to claims 9 and 39, Sacks teaches a security device that monitors passwords, encrypts information, or monitors payer information (¶¶ 16, 21, 23, 41-42).

As to claim 41, Sacks modified by Official Notice and Kim further teaches wherein the device identification comprises an electronic number identifier (Kim: ¶¶ 25-28 and see motivation for combining in claim 45 above).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-

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6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

| | |
|----------------|---|
| (571) 273-8300 | (Official Communications; including After Final Communications labeled "BOX AF") |
| (571) 273-6705 | (Draft Communications) |

/Mary Cheung/
Primary Examiner, Art Unit 3694
August 14, 2008